



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (710/97)

Do **NOT** use for expedited repeal or adoption

Agency: Employment Security Department

Subject of possible rule making: Adopting new rules clarifying the availability and job search requirements of individuals who are members of referral unions (those unions that act as referral agents for their members) and receiving unemployment benefits.

(a) Statutes authorizing the agency to adopt rules on this subject: RCW 50.12.010, Commissioner's Duties & Powers; RCW 50.12.040, Rules & Regulations; and RCW 50.20.010, Benefit Eligibility Conditions

(b) Reasons why rules on this subject may be needed and what they might accomplish: RCW 50.20.010(3) requires individuals receiving unemployment benefits to seek work "pursuant to customary trade practices" and to be available for work. The department has implemented a series of guidelines regarding requirements for individuals who are members of referral unions, which has resulted in some confusion regarding the eligibility for benefits of union members. To improve predictability and stability in program administration, the department intends to establish regulations in place of the guidelines to clarify when a member of a referral union will be determined to meet the availability and job search requirements, and the conditions under which a cause for doubting an individual's availability for work may be established.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The U.S. Department of Labor reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

(d) Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) The department will conduct informal public meetings with interested individuals and stakeholders to gather their input and comments during the development of these regulations.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

Persons interested in attending meetings to discuss the proposed regulations should contact:

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